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Attorney for Plaintiff:

Mr. Hamid Karimi

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HAMID KARIMI,

Plaintiff,

vs.

**HON YUEN CHENG, HCL FINANCE,
INC., a California corporation, HOME
COMMUNITY LENDING, et al.,**

Defendants.

**CASE NO.: C07-02815 CW
MOTION FOR DEFAULT
JUDGMENT
(Fed. R. Civ. P. 55(b)(2))**

**Hearing date: _____
Hearing time: _____
Courtroom: _____**

Relief Sought

Plaintiff Hamid Karimi moves this court for entry of a default judgment against Defendants HCL Finance, Inc., a California corporation, Home Community Lending, a California corporation, and Eloan Engine under Rule 55(b)(2) of the Federal Rules of Civil Procedure. Plaintiff Hamid Karimi requests that the judgment be for \$123,275.60, comprised of actual damages of \$68,775.61.00 pursuant to 15 U.S.C. § 1640(a)(1); \$2,000.00 pursuant to 15 U.S.C. § 1640(a)(3); \$7,500.00 pursuant to California Business and Professional Code 17206; and \$45,000.00 in punitive damages pursuant to California Civil Code 3294, together with prejudgment interest in the amount of \$8,218.37, reasonable attorney's fees of \$ 10,000.00, costs of suit of \$500.00, and that the judgment bear interest at the judgment rate from the date of entry until paid. Moreover, Plaintiff Hamid Karimi requests that an order declaring the unenforceability of the loan agreement insofar as it concerns the prepayment penalty and

1 reforming the agreement accordingly.

2 **Grounds for Relief**

3 The Court should enter the judgment requested against Defendants HCL Finance, Inc., Home
4 Community Lending, and Eloan Engine and in favor of Plaintiff Hamid Karimi because:

5 1. The default of Defendants HCL Finance, Inc., Home Community Lending, and Eloan Engine
6 was entered by the court on July 5, 2007.

7 2. Defendants HCL Finance, Inc., Home Community Lending, and Eloan Engine have not
8 appeared in this action, and are not entitled to notice of this application for entry of a default
9 judgment.

10 3. The Complaint in this action sets out a valid claim for violation of TILA and Regulation Z,
11 fraud, intentional and negligent misrepresentation, violation of California civil code provisions
12 regulating consumer loans secured by real property, and breach of the covenant of good faith and
13 fair dealing. By virtue of the default, Defendants HCL Finance, Inc., Home Community
14 Lending, and Eloan Engine may not challenge any of the factual allegations supporting those
15 claims.

16 4. The terms of relief sought in the requested judgment are fully justified by the facts shown in
17 the attached affidavits and the attachments to them.

18 5. Defendants HCL Finance, Inc., Home Community Lending, and Eloan Engine are not minors
19 nor incompetent persons.

20 6. Attached to this motion is an Affidavit the complies with the requirements of the Service
21 members Civil Relief Act (50 U.S.C. App. § 521), which shows that defaulting parties are not
22 in military service.

23 **Supporting Papers**

24 This motion is based on this document, the Notice of Motion, the accompanying affidavit(s), on
25 all of the pleadings and papers on file in this action, and on whatever evidence and argument is
26 presented at a hearing on this motion.

27
28 Dated: July 5, 2007

NEW TECH LAW GROUP, INC

/s/ Herbert Hayden
Herbert Hayden, Esq. attorney for Plaintiff